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W.P.No.32628 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32628 of 2022

And

W.M.P.Nos.32033 and 32034 of 2022

S.Senthilkumar

... Petitioner

Vs.

1.Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.Special District Revenue Officer (Land Acquisition)
Chennai Peripheral Road Project-III,
SIDCO Branch Office,
Ambattur Industrial Estate,
Chennai – 600 058.

4.A.Sivagami, M.Sc.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 03.10.2022 Ref.Roc.No.A4/23/2019 passed by the third respondent and quash the same and consequently



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direct the respondents to consider afresh the objections of the petitioner by affording personal hearing as per the provisions of Section 26 to 30 and 38 of the Central Act 30 of 2013 (RFTLARR Act 2013) and appointing a Specialist in the filed to assess the value of the petitioner's land and existing building complex consisting of shops and small industrial units in the ground floor and residential units in the first and second floors in the land in S.No.107/1B and modern Indian Oil Petrol Pump with all facilities in the land in S.No.107/1A situated in No.111, Sengadu Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.S.Thanka Sivan
For Respondents : Mrs.Anitha
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 03.10.2022 Ref.Roc.No.A4/23/2019 passed by the third respondent and quash the same and consequently direct the respondents to consider afresh the objections of the petitioner by affording personal hearing as per the provisions of Sections 26 to 30 and 38 of the Central Act 30 of 2013 (RFTLARR Act 2013) and



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appointing a Specialist in the filed to assess the value of the petitioner's land and existing building complex consisting of shops and small industrial units in the ground floor and residential units in the first and second floors in the land in S.No.107/1B and modern Indian Oil Petrol Pump with all facilities in the land in S.No.107/1A situated in No.111, Sengadu Village, Sriperumbudur Taluk, Kancheepuram District.

2.The case of the petitioner is that the petitioner was served with notice under Section 15(2) of the Tamil Nadu Highways Act (hereinafter referred to as 'Act') for acquisition of the subject property and the petitioner submitted his explanation and objection and without considering the same, notice under Section 15(1) of the Act was published in the Government Gazette and thereafter the respondents issued notice under Section 19(5) of the Act for fixation of compensation to the petitioner. Challenging the acquisition proceedings, the petitioner filed W.P.No.7726 of 2022 before this Court and pursuant to the order of this Court dated 09.06.2022 made in the said writ petition, the impugned order came to be passed. Challenging the same, the petitioner has filed this writ petition.



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3.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to pass award in terms of Sections 26 to 30 and 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) after providing opportunity to the petitioner, within a reasonable time frame.

4.The learned Special Government Pleader submitted that though the land has been acquired under the Tamil Nadu Highways Act, award will be passed only in terms of Act 30 of 2013.

5.In view of the above, this Court, without expressing any opinion on the merits of the case, directs the respondents to pass award in terms of Sections 26 to 30 and 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), after providing opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.This writ petition is accordingly disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

02.12.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Commissioner of Land Administration,
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Chennai – 600 005.
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